

14
WOOD, HERRON & EVANS, L.L.P.

JOHN D. POFFENBERGER
 BRUCE TITTEL
 DONALD F. FREI
 DAVID J. JOSEPHIC
 DAVID S. STALLARD
 J. ROBERT CHAMBERS
 GREGORY J. LUNN
 KURT L. GROSSMAN
 CLEMENT H. LUKEN, JR.
 THOMAS J. BURGER
 GREGORY F. AHRENS
 WAYNE L. JACOBS
 KURT A. SUMME
 KEVIN G. ROONEY
 KEITH R. HAUPPT
 THEODORE R. REMAKLUS
 THOMAS W. HUMPHREY
 SCOTT A. STINEBRUNER
 DAVID H. BRINKMAN

OF COUNSEL
 THOMAS W. FLYNN

2700 CAREW TOWER
 441 VINE STREET
 CINCINNATI, OHIO 45202-2817
 TELEPHONE: 513-241-2324
 FACSIMILE: 513-241-6234
 EMAIL: info@whepatent.com
 PATENT, TRADEMARK, COPYRIGHT
 AND UNFAIR COMPETITION LAW
 AND RELATED LITIGATION
 EDMUND P. WOOD 1923-1968
 TRUMAN A. HERRON 1935-1976
 EDWARD B. EVANS 1936-1971

JOSEPH R. JORDAN
 C. RICHARD EBY
 DAVID E. PRITCHARD
 J. DWIGHT POFFENBERGER, JR.
 BEVERLY A. LYMAN, PH.D.
 KATHRYN E. SMITH
 KRISTI L. DAVIDSON
 P. ANDREW BLATT, PH.D.
 DAVID E. JEFFERIES
 WILLIAM R. ALLEN, PH.D.
 JOHN PAUL DAVIS
 DOUGLAS A. SCHOLER
 BRETT A. SCHATZ
 DAVID W. DORTON
 G. PRABHAKAR REDDY
 SARAH OTTE GRABER
 LARRY D. MOORE
 WESLEY L. STRICKLAND (VA, DC BAR ONLY)

TECHNICAL ADVISORS
 HENRY M. LABODA, PH.D.

February 23, 2004

FACSIMILE COVER SHEET

To: Commissioner of Patents
 Attn: Examiner Dameron Jones
 Fax: 703 872 9306

From: Beverly A. Lyman, Ph.D.
 Re: Our File: MRD-67
 U.S. Serial No. 09/757,333
 Pages: (including cover sheet) 20

RECEIVED
CENTRAL FAX CENTER

FEB 23 2004

OFFICIAL

MESSAGE/COMMENTS

ATTACHMENTS/COMMENTS:

OFFICIAL

Please docket the attached documents and forward to Examiner Jones for consideration.

Re-submission of Amendment Under 37 CFR § 1.312 (2 pg)
 Amendment of Under 37 CFR § 1.312 (15 pg)
 Auto-Reply Facsimile Transmission (1 pg)
 Communication Result Report of Facsimile Transmission (1 pg)

Certificate of Facsimile Transmission

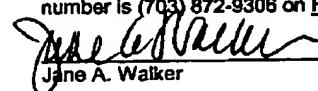
I hereby certify that this correspondence is being deposited via facsimile to Commissioner for Patents, Alexandria, VA 22313-1450, Attn: Examiner Dameron Jones, fax number 703 872 9306 on


 Jane A. Walker February 23, 2004
Date

The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail. Thank you. If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant. OUR FAX NUMBER IS (513) 241-6234.

PATENT**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is being deposited via facsimile to The Honorable Commissioner in the United States Patent and Trademark Office, Attention: Dameron L. Jones whose telephone number is (571)272-0817 and fax number is (703) 872-9306 on February 23, 2004.

 February 23, 2004
Jane A. Walker Date

RECEIVED
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE CENTRAL FAX CENTER

Applicant: Achilefu et al.
 Serial No.: 09/757,333
 Filed: January 9, 2001
 Art Unit: 1616
 Confirmation No.: 5506
 Examiner: Jones, Dameron L.
 Title: **VERSATILE HYDROPHILIC DYES**
 Atty. Docket No.: MRD-67

FEB 23 2004

OFFICIAL

Cincinnati, OH 45202

February 23, 2004

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

RE-SUBMISSION OF AMENDMENT UNDER 37 C.F.R. § 1.312

Applicants enclose herewith the Re-Submission of Amendment Under 37 C.F.R. § 1.312, previously submitted on February 6, 2004, for consideration by the Examiner. The Amendment bears a Certificate of Facsimile dated February 6, 2004. Applicants also enclose herewith a copy of the Auto-Reply Facsimile Transmission from the U.S. Patent and Trademark Office indicating the Amendment was successfully transmitted and received on that date.

Applicant does not believe that any fees are due in connection with this submission as the Amendment was timely submitted and inadvertently misplaced by the U.S. Patent and Trademark Office after receipt. However, if such petition is due or any fees are necessary, the Commissioner is authorized to charge any necessary fees or credit any overpayment to Deposit account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS. L.L.P.

Beverly A. Lyman
Beverly A. Lyman, Ph.D.
Reg. No. 41,961

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
513-241-2324
513-421-7269 - Facsimile

Page 2 of 2